

AGENDA

Dakota County Board of Commissioners Administration/Finance/Policy Committee of the Whole

April 6, 2010
9:30 a.m.

(or following County Board Meeting)

Conference Room 3A, Third Level, Administration Center, Government Center, Hastings, MN

1. **Call To Order And Roll Call**

Note: Any action taken by this Committee of the Whole constitutes a recommendation to the County Board.

2. **Audience**

Anyone in the audience wishing to address the Committee on an item not on the agenda or an item on the consent agenda may come forward at this time. Comments are limited to five minutes.

3. **Approval Of Agenda** (Additions/Corrections/Deletions)

4. **Introduction Of New Employees**

CONSENT AGENDA

5. **Approval Of Minutes** of meeting held March 16, 2010..... 2

6. **Operations, Management And Budget**

6.1 *Operations Management* – Adoption Of Revisions To Point-Of-Entry Screening Policy 4

REGULAR AGENDA

7. **County Attorney**

7.1 *Attorney* – Approve Model Joint Powers Agreements For Enforcement Of Township Ordinances 10

8. **Operations, Management And Budget**

8.1 *Operations Management* – INFORMATION – Energy Star Certification, Registration, And Labeling Of County Buildings 17

9. **County Administrator's Report**

10. **Adjournment**

The next scheduled meeting is Tuesday, May 4, 2010, at 9:30 a.m.
in Conference Room 3A, Administration Center, Government Center, Hastings

For more information, call 651-438-4417.

Dakota County Administration/Finance/Policy Committee of the Whole meeting agendas are available online at
<http://www.co.dakota.mn.us/CountyGovernment/CountyBoard/AFPCalendar/default.htm>

**DAKOTA COUNTY
ADMINISTRATION/FINANCE/POLICY COMMITTEE OF THE WHOLE**

Meeting Minutes

March 16, 2010

Administration Center, Government Center, Conference Room 3A, Hastings, Minnesota

1. **Call To Order And Roll Call.** Commissioner Nancy Schouweiler, Chair of the Administration/Finance/Policy (AFP) Committee of the Whole, called the meeting to order at 10:50 a.m. Roll was called with the following members present:

Commissioner Joseph A. Harris, District 1
Commissioner Kathleen A. Gaylord, District 2
Commissioner Thomas A. Egan, District 3
Commissioner Nancy Schouweiler, District 4
Commissioner Liz Workman, District 5
Commissioner Paul J. Krause, District 6
Commissioner Willis E. Branning, District 7

Others present included:

Brandt Richardson, County Administrator
Karen Schaffer, County Attorney's Office
Kelly Olson, Sr. Administrative Coordinator

2. **Audience.** Commissioner Schouweiler asked if there was anyone in the audience who wished to address the Committee of the Whole on an issue not on the agenda or to discuss an item on the consent agenda. No one appeared.
3. **Approval Of Agenda.** On a motion by Commissioner Egan, seconded by Commissioner Workman, the agenda was approved.
4. **Introduction Of New Employees.** Fleet Manager Kevin Schlangen introduced Fleet Technicians Joe Munson and Dustin Roeller.

CONSENT AGENDA

On a motion by Commissioner Krause, seconded by Commissioner Egan, the consent agenda was unanimously approved as follows:

5. **Approval Of Minutes** of meeting held on February 9, 2010.
- 6.1 **Update on 2010 National Association of Counties Achievement award Applications.** This item was for information only; no action was requested.

REGULAR AGENDA

- 7.1 **Update on County Budget Management and Financial Planning for 2010 and 2011.** Financial Services Director Matt Smith and Operations, Management and Budget Director Jack Ditmore presented this item. This item was for information only; no action was requested.
- 7.2 **Acceptance of HealthPartners' Proposed Medical Plan Rate Caps for 2011 and 2012** Employee Relations Director Will Volk introduced Consultant Patrick Pechacek, Deloitte Consulting, who presented this item. Discussion was held regarding potential changes to employee health plans in future years.

On a motion by Commissioner Egan, seconded by Commissioner Workman, the following resolution was unanimously recommended to the County Board:

WHEREAS, State law requires the County to seek competitive proposals no less than every five years which will require the County to conduct a request for proposal process no later than 2012 for the 2013 year; and

WHEREAS, the three year rate guarantee provided by the last request for proposal process ends December 2010; and

WHEREAS, HealthPartners' has proposed rate caps of 11% for 2011 and 12% for 2012; and

WHEREAS, the County's high medical claims experience suggests that seeking competitive bids at this time would not result in favorable rates.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby authorizes the Employee Relations Director to accept HealthPartners' proposed medical plan rate caps for 2011 and 2012, as presented to the Administration/Finance/Policy Committee of the Whole on March 16, 2010.

The meeting recessed at 12:17 p.m. The meeting reconvened at 1:30 p.m. with all members present.

8.1 Approval Of Art Concept For Robert Trail Sculpture To Be Presented By City Of Rosemount
Library Director Ken Behringer presented this item.

On a motion by Commissioner Egan, seconded by Commissioner Branning, the following resolution was unanimously recommended to the County Board:

WHEREAS, the City of Rosemount wishes to add a piece of public art to the grounds of the Robert Trail Library and License Center; and

WHEREAS, the Dakota County Board of Commissioners have expressed an interest in the addition of public art to Dakota County facilities; and

WHEREAS, an artist's design proposal has been provided by the City of Rosemount for a piece the City believes would enhance the Robert Trail Library and License Center grounds; and

WHEREAS, the City of Rosemount seeks approval from the Dakota County Board of Commissioners on the design elements of this piece.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the design elements of the piece *Triskele* by Foster Willey for the Robert Trail Library and License Center grounds; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby reserves its right to authorize placement of any public art on the grounds of the Robert Trail Library and License Center and hereby conditions any such authorization upon execution of an appropriate agreement or agreements with respect to the installation, maintenance and future removal of any such public art.

9. County Administrator's Report. The County Administrator's report followed including notice of an opportunity to purchase electric vehicle and notification of a meeting to be held in May by the Nuclear Regulatory Commission.

10. Adjournment. On a motion by Commissioner Harris, seconded by Commissioner Workman, the meeting was adjourned at 1:45 p.m.

Respectfully submitted,

Kelly D. Olson
Senior Administrative Coordinator to the Board

6.1 - Adoption Of Revisions To Point-Of-Entry Screening Policy

Meeting Date: 4/6/10
 Item Type: Consent-Action
 Division: OPERATIONS, MANAGEMENT, AND BUDGET
 Department: Operations Management
 Contact: W. Taud Hoopingarner Telephone: 651-438-4416
 Prepared by: W. Taud Hoopingarner
 Reviewed by: Other N/A

Fiscal/FTE Impact:

- None
- Amount included in current budget
- Budget amendment requested
- FTE included in current complement
- New FTE(s) requested—N/A
- Other

PURPOSE/ACTION REQUESTED

County Board adoption of revisions to Point-of-Entry Screening Policy.

SUMMARY

The Dakota County Board of Commissioners has exclusive responsibility for County property, including the care and maintenance of the County courthouse(s). Minnesota law authorizes the County Board to promulgate reasonable rules and regulations for the purpose of protecting the use of County property.

Based upon concerns expressed by the judiciary regarding courthouse proceedings, the County Board implemented point-of-entry screening at the Dakota County Judicial Center in 2006. Implementation of point-of-entry screening at the other Dakota County courthouses is a potential future consideration, if the volume and types of hearings at those sites become similar to those at the Dakota County Judicial Center. The proposed revisions do not require the County Board to expand point-of-entry screening at other County courthouses. However, they do provide the authority to do so when and if the conditions warrant, and funds become available.

The Dakota County Attorney's Office, Sheriff's Office, and Risk Management recommend the County Board adopt revisions to the regulations governing the point of entry screening at all County courthouses. Proposed revisions to the regulations are presented to the County Board for consideration as Attachment A. The proposed revisions also add detail regarding the screening of persons and packages.

The Dakota County Sheriff currently staffs the point-of-entry screening at the Judicial Center, and is working with the County Attorney's Office, First Judicial District Judges, and Operations Management staff to identify facility and operational changes that will improve security in the Law Enforcement Center In-Custody Courtroom, and improve Sheriff and Courts operational efficiencies.

EXPLANATION OF FISCAL/FTE IMPACT

None.

Supporting Documents:

Attachment A: Dakota County Courthouse Point-of-Entry Screening Policy

Previous Board Action(s):

06-300; 08/01/06

- :
- :
- :
- :

RESOLUTION

Adoption Of Revisions To Point-Of-Entry Screening Policy

WHEREAS, the Dakota County Board of Commissioners has the exclusive care of County property, including the care and maintenance of County courthouses; and

WHEREAS, Minnesota law authorizes the County Board to promulgate reasonable rules and regulations for the purpose of protecting the free, proper and lawful access to, egress from and proper use of County property, and the conduct of public business free from interference; and

WHEREAS, in order to protect the free, proper and lawful access to, egress from and proper use of the Dakota County Judicial Center, and the conduct of public business therein from interference, the County Board has authorized the installation of point-of-entry screening at the public entrance of the Dakota County Judicial Center; and

WHEREAS, the cost of implementing point-of-entry screening is such that the Dakota County Board of Commissioners is not able at the present time to implement point-of-entry screening at other County courthouses; and

WHEREAS, pursuant to law the County Board desires to amend its rules and regulations regarding the implementation of point-of-entry screening; and

WHEREAS, the Dakota County Board of Commissioners hereby finds that preventing the introduction of firearms, bladed instruments or cutting tools, electronic incapacitation devices, chemical incapacitation sprays, explosives, ammunition, combustible/flammable liquids, other items designed or carried as a weapon capable of producing death or great bodily harm, and any replica or toy versions of such items will enhance the safety of persons conducting business in Dakota County Courthouses.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby rescinds County Board Resolution No. 06-300, Adoption of Judicial Center Point of Entry Screening Policy; and

BE IT FURTHER RESOLVED, That the Dakota County Board of Commissioners hereby adopts and implements the Dakota County Courthouse Point-of-Entry Screening Policy as presented to the Administration/Finance/Policy Committee of the Whole on April 6, 2010.

Administrator's Comments:	Reviewed by (if required):
<input checked="" type="checkbox"/> Recommend Action <input type="checkbox"/> Do Not Recommend Action <input type="checkbox"/> Reviewed—No Recommendation <input type="checkbox"/> Reviewed—Information Only <input type="checkbox"/> Submitted at Commissioner Request	<input checked="" type="checkbox"/> County Attorney's Office <input checked="" type="checkbox"/> Financial Services <input type="checkbox"/> Risk Management <input type="checkbox"/> Employee Relations <input type="checkbox"/> Information Technology <input type="checkbox"/>
Brandt Richardson / KO County Administrator	_____

DAKOTA COUNTY COURTHOUSE JUDICIAL CENTER
POINT-OF-ENTRY SCREENING POLICY

POLICY

In order to enhance the safety of Dakota County employees, State of Minnesota employees, and the general public, the Dakota County Board of Commissioners implements point-of-entry screening at the ~~Dakota County Judicial Center~~ to prevent the introduction of prohibited items, which are hereby deemed to constitute a threat to persons conducting business in the ~~Dakota County Courthouses Judicial Center~~.

DEFINITIONS

Courthouse – Dakota County Judicial Center or Northern Service Center or Western Service Center.

Packages – any purse, bag, briefcase, box, shopping bag or other hand-carried or wheeled container.

Prohibited Items –

- firearms unless carried by a licensed peace officer who is on active duty and on official business
- bladed instruments or cutting tools (any size)
- electronic incapacitation devices
- chemical incapacitation sprays
- explosives
- ammunition
- combustible or flammable liquid
- any other item designed or carried as a weapon capable of producing death or great bodily harm
- any replica or toy version of the above listed items

Contraband – any item which is illegal to possess under Minnesota law.

Great Bodily Harm – bodily injury which creates a high probability of death, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.

SOURCES

Minn. Stat. § 609.66, subd. 1g (prohibiting dangerous weapons, ammunition or explosives from any courthouse complex)

Minn. Stat. § 624.72 (authorizing a political subdivision to promulgate reasonable rules and regulations for the purpose of protecting the conduct of public business in or on property owned by or in control of the political subdivision)

Minn. Stat. § 375.18, subd. 3 (authorizing the county board to erect, furnish and maintain a courthouse)

Minn. Stat. § 375.18, subd. 2 (delegating the care of county property to the county board)

Court Order of Judge Richard Spicer dated May 19, 2003 (prohibiting firearms in specified areas of courthouses of the First Judicial District)

PROCEDURES

1. Location and Time. Point-of-entry screening will be implemented at the public entrance to the ~~courthouse~~Dakota County Judicial Center at all times that the building is open to the public.
2. Persons Subject to Screening. All persons who enter the ~~courthouse~~Judicial Center through the public entrance and who are not exempt will be required to submit to point-of-entry screening as a condition of entering the building through that entrance.
3. Persons Exempt from Screening.
 - a. Employees with a valid programmed access card, if they enter through the employee turnstile.
 - b. Persons under contract to Dakota County or employed by an entity under contract to Dakota County to perform services for Dakota County, if such persons are accompanied into the ~~courthouse~~building in person by a County employee who has a valid programmed access card and enter through the employee turnstile.
 - c. Impaneled jurors who are accompanied by personnel of the District Court system through the employee turnstile.
 - d. Licensed peace officers who are on active duty and on official business, provided that they have in their possession a badge and departmental identification.
 - e. First responders who are responding to an emergency.
4. Procedure for Screening of Persons.
 - a. Point-of-entry screening shall consist of a walk-through magnetometer and/or exposure to a hand-held magnetometer and/or pat-down search. Initially each person shall be asked to remove the person's belt and outerwear coat, to empty the person's pockets of metal items and to walk go through the walk-through magnetometer. If the ~~walk-through magnetometer is not activated, the person is not subject to further screening and may enter the courthouse.~~ may recheck and empty pockets of metal items and may go through the walk-through magnetometer again. If the ~~magnetometer is activated again, the person will~~ If the magnetometer is activated, the person may choose to leave the courthouse or be exposed to the hand-held magnetometer. If the person chooses to be exposed to the hand-held magnetometer and the magnetometer is not activated, the person is not subject to further screening and may enter the courthouse. If the hand-held magnetometer is activated, the person may choose to leave the courthouse or will have the opportunity to remove any metal object(s) that may be activating the magnetometer and ~~then will~~ be re-exposed to the magnetometer. If the person chooses to be re-exposed to the hand-held magnetometer and the magnetometer is not activated, the person is not subject to further screening

and may enter the ~~building~~ courthouse. If the magnetometer is activated, the person may choose to leave the courthouse or consent not enter the building unless the person consents to a pat-down search conducted by a person of the same gender as the person being searched.

b. If ~~an individual~~ a person desires ~~has been instructed~~ to avoid the walk-through or hand-held magnetometer, the ~~individual~~ person may consent to a pat-down search, ~~for prohibited items~~. Such a search will be conducted by point-of-entry screening personnel ~~a person~~ of the same gender as the person being searched.

5. Procedure for Screening Packages and Contents of Pockets.

a. All packages and contents of pockets will be subject to x-ray or hand search for prohibited items prior to their entry into the courthouse. ~~Each person must place all packages and contents of pockets in a screening tray.~~ If the presence of a prohibited item is detected ~~through the package by the x-ray scanner,~~ the point-of-entry screening personnel shall ~~so inform the person and obtain the person's consent to hand search the package.~~ If consent is given, the personnel should search the package by hand in view of the person. ~~If~~ Whenever a prohibited item is found, the owner will be given the opportunity to dispose of it or remove it from the ~~courthouse~~ Judicial Center. If consent is not given, or if the person declines to remove a prohibited item from the ~~courthouse~~ Judicial Center, the person shall be permitted to retain the prohibited item but shall not be permitted to enter the ~~courthouse~~ Judicial Center.

b. If contraband is found in the search for prohibited items, it must be retained by point-of-entry screening personnel and turned over to the Dakota County Sheriff.

6. Permit to Carry. If a person attempts to carry a firearm into the ~~courthouse~~ Judicial Center based upon actual possession of a permit to carry and notice to or consent of the Dakota County Sheriff, the person should be informed that by Order of the Court dated May 19, 2003, firearms (other than those carried by on-duty law enforcement officers or pre-approved for use in trial) are prohibited in all of the lobby areas of the ~~courthouse~~ Dakota County Judicial Center and the person shall be permitted to remove the firearm from the ~~courthouse~~ Judicial Center.

7. Option to Decline Screening. Notice of the point-of-entry screening shall be posted in such locations that persons seeking entry to the ~~courthouse~~ Judicial Center have the reasonable opportunity to decline participation in point-of-entry screening by not seeking entry into the ~~courthouse~~ building. A person also may decline the point-of-entry screening at any time simply by leaving the ~~courthouse~~ building, even if the point-of-entry screening process already has been commenced.

8. Disposition of Items.

a. A receptacle with a secured lid will be placed outside of the point-of-entry screening station to enable persons seeking entry to the ~~courthouse~~ building to discard items that they do not wish to carry through the point-of-entry screening station.

b. A receptacle with a secured lid will also be placed inside of the point-of-entry screening station for use during the screening process.

7.1 - Approve Model Joint Powers Agreement For Enforcement Of Township Ordinances

Meeting Date: 4/6/10
 Item Type: Regular-Action
 Division: ATTORNEY
 Department: Attorney
 Contact: James Backstrom Telephone: 651-438-4438
 Prepared by: Karen Schaffer
 Reviewed by: N/A

Fiscal/FTE Impact:

- None
- Amount included in current budget
- Budget amendment requested
- FTE included in current complement
- New FTE(s) requested-N/A
- Other

PURPOSE/ACTION REQUESTED

Approve model joint powers agreement for enforcement of township ordinances.

SUMMARY

Several Dakota County townships have requested that the Dakota County Sheriff issue misdemeanor citations for violations of township ordinances. The Sheriff does not have statutory authority to issue such citations, but he may do so if authorized by an agreement between the County Board and the Township Board.

The proposed joint powers agreement provides that the Sheriff would investigate alleged violations of township ordinances and, where appropriate, issue misdemeanor citations. The Sheriff would not enforce township ordinances through other civil remedies, such as seizing property, imposing fines or issuing orders. Any misdemeanor citations issued by the Sheriff would be prosecuted by the Township attorney, not the County Attorney. A description of all of the key terms of the proposed joint powers agreement, prepared for the Township Officers meeting, is attached as Exhibit 1. The proposed joint powers agreement is attached as Exhibit 2.

At the present time, Dakota County does not possess an inventory of all of the Township ordinances, the enforcement of which could occur pursuant to the proposed joint powers agreements. Thus, it is not possible to quantify the level of effort which such enforcement might entail. In order to manage the project, the County Administrator recommends that each potential joint powers agreement be individually approved by the County Board, prior to execution, after reviewing a list of the ordinances to which each agreement would apply. Typical ordinances likely would include noise, running dog, or dumping ordinances.

No township is required to participate in this program. Rather, it is only an offer to provide services where requested. The model agreement includes a termination date of December 31, 2010. If the County Board and any Township wanted to extend the program, a new joint powers agreement would be required prior to December 31, 2010.

Sheriff Dave Bellows has agreed to provide any such requested services.

EXPLANATION OF FISCAL/FTE IMPACT

Townships would pay \$65/hour for investigation services provided pursuant to the agreement. Townships would pay \$45/hour for court preparation/waiting time.

Supporting Documents:
Exhibit 1: Key Terms
Exhibit 2: Draft Joint Powers Agreement

Previous Board Action(s):

- :
- :
- :
- :
- :

RESOLUTION

Approve Model Joint Powers Agreement For Enforcement Of Township Ordinances

WHEREAS, some Dakota County Townships have requested that the Dakota County Sheriff investigate violations of Township ordinances and, where appropriate, issue misdemeanor citations; and

WHEREAS, the Dakota County Sheriff may provide such services pursuant to a joint powers agreement entered into by the Dakota County Board of Commissioners and the Township Board of Supervisors; and

WHEREAS, the Dakota County Sheriff has agreed to provide such services to any Township that has entered into an appropriate agreement with the Dakota County Board of Commissioners; and

WHEREAS, the Dakota County Board of Commissioners desires to enable the Dakota County Sheriff to provide the requested services.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby approves the model joint powers agreement with Townships located in Dakota County, for the enforcement of local ordinances by the Dakota County Sheriff, and authorizes the Dakota County Sheriff to present individual joint powers agreements with interested Townships to the County Board, together with an inventory of the local ordinances to be enforced pursuant to each proposed agreement.

<p>Administrator's Comments:</p> <p><input checked="" type="checkbox"/> Recommend Action <input type="checkbox"/> Do Not Recommend Action <input type="checkbox"/> Reviewed—No Recommendation <input type="checkbox"/> Reviewed—Information Only <input type="checkbox"/> Submitted at Commissioner Request</p>	<p>Reviewed by (if required):</p> <p><input checked="" type="checkbox"/> County Attorney's Office <input checked="" type="checkbox"/> Financial Services <input type="checkbox"/> Risk Management <input type="checkbox"/> Employee Relations <input type="checkbox"/> Information Technology <input type="checkbox"/></p>
<p><i>Brandt Richardson</i> _____ County Administrator</p>	<p>_____</p>

Proposed Joint Powers Agreement for Enforcement of Township Ordinances

What would it provide?

The Sheriff would be authorized to issue citations for violations of township ordinances where the violation is punishable as a misdemeanor. The Sheriff would not enforce civil remedies, such as seizing property, imposing fines, or issuing orders.

Which attorney would prosecute the misdemeanor violations?

The township attorney would be responsible for prosecution of misdemeanor violations of township ordinances, not the County Attorney.

Why is this agreement even necessary? Can't the Sheriff do this already?

The Sheriff does not have statutory authority to issue such citations. The Sheriff's statutory authority is limited to enforcement of criminal statutes and to keeping the peace of the county. However, state law allows a county board and township board to enter into an agreement whereby the Sheriff will provide this service.

Will there be a cost for this service?

The proposed agreement provides that the Sheriff would charge \$65/hour for investigative services and \$45/hour for court preparation, waiting time, and testimony. The Sheriff would continue to enforce the criminal laws of the State at no cost to the townships. Investigative time would be charged out only when the Sheriff had to make a special trip to perform the investigation.

Who is responsible if the Sheriff is sued in connection with providing these services?

The township would be required to defend and indemnify the Sheriff. The township should purchase insurance for this purpose.

What does the township have to do in order to participate?

The township board would have to approve and sign the agreement. Then the township must provide the Sheriff with copies of current ordinances, updates to ordinances, referral information for the township attorney, and pay any bills submitted by the Sheriff.

What is the term of the proposed agreement?

The proposed agreement includes a termination date of December 31, 2010. Either party can also withdraw upon 30 days' written notice.

DRAFT

**JOINT POWERS AGREEMENT BETWEEN
TOWNSHIP AND THE COUNTY OF DAKOTA
FOR ENFORCEMENT OF LOCAL ORDINANCES**

This Agreement is entered into by _____ Township ("Township") and the County of Dakota ("County") pursuant to the authority contained in Minn. Stat. §§ 436.05 and 471.59.

1. Purpose. The purpose of this Agreement is to enable Township to secure the services of the Dakota County Sheriff in connection with the enforcement of local ordinances adopted by Township. It is not the purpose of this Agreement to provide for or address in any way the enforcement of the criminal laws of the State of Minnesota within the boundaries of Township by the Dakota County Sheriff.
2. Services Provided by Dakota County Sheriff.
 - A. Upon request of Township, the Dakota County Sheriff ("Sheriff") will investigate alleged or potential violations of local ordinances enacted by Township for which a misdemeanor penalty may be imposed. The Sheriff shall have no responsibility to investigate alleged or potential violations for which the ordinance provides only civil remedies.
 - B. The Sheriff shall retain sole discretion to determine the scope and timing of any investigation conducted pursuant to this Agreement.
 - C. The Sheriff shall retain sole discretion to decide whether to issue a misdemeanor citation.
 - D. If the Sheriff issues a misdemeanor citation, the Sheriff agrees to make his deputy or deputies available for testimony in any prosecution of a misdemeanor citation issued pursuant to this Agreement.
 - E. The Sheriff shall forward to the Township attorney all citations issued pursuant to this Agreement.
 - F. The Sheriff shall have no authority to enforce local ordinances with civil remedies.
3. Enforcement of State Criminal Laws. This Agreement is not intended to have any effect upon the enforcement of state criminal laws by the Dakota County Sheriff within the boundaries of Township. The Dakota County Sheriff will continue to enforce the State criminal laws within the boundaries of Township at no cost to Township and will continue to refer all such matters to the Dakota County Attorney for prosecution.
4. Responsibilities of Township.
 - A. Township shall have sole responsibility for establishing procedures for referring alleged or potential violations of Township ordinances.
 - B. Township shall have sole responsibility for prosecution of any misdemeanor citations issued by the Sheriff pursuant to this Agreement. The Dakota County Attorney shall have no responsibility for undertaking such prosecutions.
 - C. Township shall provide the Dakota County Sheriff with copies of all current Township ordinances, in an electronic format if possible. Township shall provide the Dakota County Sheriff with any amendments to such ordinances immediately upon their effective date.
 - D. Township shall provide and update the Dakota County Sheriff with contact information for the Township attorney.

5. Relationship of the Parties. Nothing contained in this Agreement is intended or should be construed in any manner as creating or establishing Township as an agent, representative or employee of the County in the performance of this Agreement. Officials and employees of Township shall not be considered County employees for any purpose.
6. Payment. Township agrees to pay the County for services provided pursuant to this Agreement. Township will pay the County for time spent providing services above and beyond any time spent by the Sheriff concurrently on the normal patrol activity which the Sheriff performs in the course of enforcing the State criminal laws. Township will pay the County according to the schedule in Exhibit A. The County agrees to send an itemized bill on a monthly basis for services provided pursuant to this Agreement.
7. Term. This Agreement shall be effective upon execution of this Agreement by Township and the County and upon the consent of the Sheriff, as evidenced by his signature. It shall remain in effect until December 31, 2010, unless earlier terminated pursuant to Paragraph 9.
8. Withdrawal. Either party may withdraw from this Agreement upon thirty (30) days' written notice to the other party as provided in Paragraph 8. Withdrawal by either party shall not act to discharge any liability incurred or chargeable to the withdrawing party before the effective date of the withdrawal.
9. Termination. This Agreement shall terminate upon the occurrence of the earliest of any of the following events:
 - a. When necessitated by operation of law or as a result of a decision by a court of competent jurisdiction.
 - b. When either Township or the County withdraws pursuant to Paragraph 8.
 - c. 60 days following the occurrence of a vacancy in the Office of the Dakota County Sheriff, unless the vacancy shall be filled and the new incumbent Sheriff shall have consented in writing to continue providing services pursuant to this Agreement.
10. Liability. To the fullest extent allowed by law, Township shall bear all loss, expenses (including attorney fees), and damages in connection with the enforcement of local ordinances pursuant to this Agreement and agrees to defend, indemnify and hold harmless the County, its elected officials, its agents and employees from all claims, demands and judgments arising out of or by reason of the enforcement of local ordinances pursuant to this Agreement.

Notwithstanding the foregoing, the terms of this Agreement are not to be construed as, nor operate as, waivers of either party's statutory or common law immunities or limitations on liability, including, but not limited to, Minn. Stat. Ch. 466.

11. Notices. For purposes of deliver of any notice to either party hereunder, the notice shall be effective if delivered in writing to:

County of Dakota:

County Administrator
 Dakota County Administration Center
 1590 Highway 55
 Hastings, MN 55033

Dakota County Sheriff
 Dakota County Law Enforcement Center
 1580 Highway 55
 Hastings, MN 55033

Township:

12. Amendments. This Agreement may be amended only in writing and upon consent of the governing body of Township and the Dakota County Board of Commissioners.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date(s) indicated below.

Approved as to form:

Assistant County Attorney/Date

COUNTY OF DAKOTA

By _____, Chair
Dakota county Board of Commissioners
Date of Signature _____

Attest: _____
Kelly D. Olson, Clerk to the Board
Date of Signature _____

TOWNSHIP

By _____, Chair
Date of Signature _____

CONSENT OF DAKOTA COUNTY SHERIFF

Dave Bellows, Sheriff
Date of Signature _____

k/09/k09-276 jpa to enforce ordinances 3-29-10

EXHIBIT A

Investigation Services	\$65.00/hour
Court Preparation and Time	\$45.00/hour

8.1 - Energy Star Certification, Registration, And Labeling Of County Buildings

Meeting Date: 4/6/10
 Item Type: Regular-Information
 Division: OPERATIONS, MANAGEMENT, AND BUDGET
 Department: Operations Management
 Contact: Kenneth Harrington Telephone: 651-438-4342
 Prepared by: Thomas Burrows
 Reviewed by: N/A N/A

Fiscal/FTE Impact:

- None
- Amount included in current budget
- Budget amendment requested
- FTE included in current complement
- New FTE(s) requested-N/A
- Other

PURPOSE/ACTION REQUESTED

To report to the County Board concerning Dakota County participation in the U.S. Environmental Protection Agency's (EPA) Energy Star Label - building certification and benchmarking program.

SUMMARY

County Building Energy Star Certification was a strategic County Board goal in 2009. The EPA Energy Star Portfolio Manager (ESPM) is a free program provided by the EPA to U.S. building owners that began in 2000. Dakota County has participated in the program since 2004. ESPM is a benchmarking tool that compares energy use among similar buildings nationwide. Energy use is adjusted by geographic location for heating and cooling degree days. In addition, the program benchmarks energy use from year to year for each building. This element measures the effectiveness of energy improvement projects and programs for each site over time. Although the Energy Star program and database is rapidly expanding, it remains limited in the number of specific building types and categories that can be rated. Additional categories are being added as participation increases. Use of Energy Star Portfolio is also a requirement for energy improvement projects receiving funds under the ARRA grant program.

The ESPM system rates buildings on a 100 point scale, with 50 being the average energy use nationwide for each building type. It also assigns an energy intensity rating to all buildings, expressed in BTU's per square foot per year. A building must meet all ESPM criteria and have a minimum energy rating of 75 or higher to be considered for Energy Star application and labeling. The Northern Service Center was the first County building to receive an Energy Star with a rating of 96 in 2007. This indicates the building was almost twice as energy efficient as the national average for similar buildings in 2007.

Energy use and building profiles for twenty-two County buildings have been entered into the ESPM program. Application for Energy Star certification requires verification of seven key areas by a registered professional engineer as follows: State of Energy Performance, building physical characteristics, operating characteristics, energy consumption, thermal comfort, illumination/lighting and ventilation for acceptable indoor air quality.

Thirteen buildings were verified for the program by TKDA Architects and Engineers. A summary report of the conditions found at each site was prepared by the Engineer that can be used to improve building operations. The program currently does not certify public libraries, jails, buildings with more than 10% of the total space in an unrated category (WSC with Galaxie Library) and buildings with shared utility meters (including the Administration, Judicial and Law Enforcement Centers).

Of the thirteen buildings studied, the following met all criteria and received 2009 Energy Star labels:

Northern Service Center	97	Courts/Office type (Rating improved from 96 in 2007)
Extension Services Center	91	Office building type
Empire Cold Storage Building	100	Warehouse building type (76% less energy than national avg.)

Many of the buildings would be certified if they met all ESPM criteria (for example, the Western Service Center rating would be 97 using the same building type criteria as the Northern Service Center).

A brief slide show will be presented by staff. Other building information and summary of impact on County building energy costs is included in Attachment A.

EXPLANATION OF FISCAL/FTE IMPACT

None.

Supporting Documents:
Attachment A: Energy Star Certification - Executive Summary

Previous Board Action(s):

- :
- :
- :
- :
- :

RESOLUTION

Information only. No action requested.

<p>Administrator's Comments:</p> <p><input type="checkbox"/> Recommend Action</p> <p><input type="checkbox"/> Do Not Recommend Action</p> <p><input type="checkbox"/> Reviewed--No Recommendation</p> <p><input checked="" type="checkbox"/> Reviewed--Information Only</p> <p><input type="checkbox"/> Submitted at Commissioner Request</p>	<p>Reviewed by (if required):</p> <p><input checked="" type="checkbox"/> County Attorney's Office</p> <p><input checked="" type="checkbox"/> Financial Services</p> <p><input type="checkbox"/> Risk Management</p> <p><input type="checkbox"/> Employee Relations</p> <p><input type="checkbox"/> Information Technology</p> <p><input type="checkbox"/></p>
<p><i>Brandt Richardson</i> /ko _____ County Administrator</p>	



2009 Final Report – Capital Planning & Project Management

1.0 Project Goals

- To use EPA Energy Star Portfolio Manager to benchmark County building energy use
- To certify up to 10 County buildings with the Energy Star designation
- To develop methodology to measure the effectiveness of County energy improvements

2.0 Background

Dakota County criterion for building energy efficiency is identified in the County’s Sustainable Design and Construction Standards approved by the County Board in 2001. Energy performance of County buildings is measured and benchmarked against the national average for similar buildings established through the EPA Energy Star building certification program also known as Energy Star Portfolio Manager.

3.0 Results (summarized in Figure 1.1)

3.1 Energy Use Reduction Achieved in Btu per square foot:

County average building energy use is 69 kBtu/ft².
 National average energy use for similar buildings is 113 kBtu/ft².
 Annual energy use reduction is 44 kBtu/ft².
 39% energy reduced below national average.

3.2 Energy Costs – Achieved Savings per Year: The 2009 energy cost for all County buildings (1.5 million square feet) was \$1,836,321 or \$1.22 per square foot. Average national energy cost for 2009 was \$2.10 per sf. Annual 2009 County energy use at the national average building energy rate would be \$3,150,000. Compared to the national average, Dakota County building energy savings was \$1,300,000 or 41.7% less in 2009.

3.3 Green House Gas (GHG) Reduction: Annual savings equates to 10,335 MtCO₂e/year in avoided greenhouse gas emissions.

Figure 1.1

	National Average	County Average	% Reduction	Annual Savings
Total Cost	\$3,150,000	\$1,836,321	41.7%	\$1,313,679
Energy Cost / sf	2.10	1.22	41.9%	\$0.86
Energy in kBtu/ft ²	113	69	38.9%	66,000,000
GHG MtCO ₂ e/sf	.01778	.01091	38.9%	10,335



4.0 Energy Star Efforts and Results by Building:

A total of 22 County buildings have been registered with Energy Star Portfolio Manager. Minimum building size is 5,000 sq. ft. Buildings must meet various requirements to qualify for Energy Star Labeling. Buildings energy consumption is benchmarked and selective reports can be generated for different time periods to measure energy reduction efforts. The 1st thirteen County Buildings listed below were rated against Energy Star Label criteria by a registered Professional Engineer (PE) from TKDA Architects and Engineers. The EPA Energy Star rating system requires PE verification of the following modules or areas:

- ▶ *Statement of Energy Performance*
- ▶ *Physical Characteristics*
- ▶ *Operating Characteristics*
- ▶ *Energy Consumption*
- ▶ *Thermal Comfort*
- ▶ *Illumination (lighting)*
- ▶ *Ventilation for Acceptable Indoor Air Quality*

A separate summary report of the investigations and findings for each building has been prepared by the Professional Engineer.

Three County buildings have received the Energy Star label in 2009. A fourth building is eligible, but falls below the minimum rating of 75. A number of County buildings cannot be certified at this time. The EPA recognizes only certain building types. Libraries, jails or any buildings that have combined or shared utilities that are not sub-metered are currently excluded from Energy Star labeling – i.e. three buildings at the Government Center that share natural gas and fuel oil systems.

1. Northern Service Center
 - Meets EPA criteria as Courthouse
 - Re-certified in 2009 and rated at **97**
 - Top 3% most energy efficient buildings in US
 - Building improved from 96 rating in 2007
 - Annual energy savings \$288,700 below national average.

2. Extension Conservation Center
 - Meets EPA criteria as office space
 - Certified and rated at **91**
 - Scheduled for new cooling in 2010
 - Annual energy savings \$17,000 below national average.



3. Empire Transportation Cold Storage -
 - Building meets EPA requirements as warehouse
 - Certified and rated at **100**
 - Uses 76% less energy than national average
 - Building is marginally heated to 50 degrees to protect fire sprinklers and equipment.
 - Annual energy savings \$24,900 below national average.

4. Dakota Communications Center
 - Energy Star rating is 36 – classified as office.
 - Fails to meet minimum rating of 75.
 - Building has high density electronic equipment.
 - Building occupancy is very low.
 - Annual energy cost is \$8,250 above the national average.

5. Western Service Center & Galaxie Library¹
 - Fails EPA criteria test -Library is greater than 10% and
 - Meets all EPA label criteria as courthouse
 - Achieves rating of 97 if all space is rated as Courthouse as Northern Service Center.
 - Cost included in total building average.
 - Annual energy savings \$272,000 from national average.

6. Judicial Center²
 - No Energy Star rating
 - Meets all EPA label criteria as courthouse
 - Fails EPA criteria test – shared meter with LEC and ADC for natural gas
 - Energy cost savings included in total building average summary.

7. Law Enforcement Center
 - EPA rating unavailable for jails
 - Fails EPA criteria test – jail greater than 10%
 - Shared natural gas meter with ADC and JDC
 - Cost included in total building average.

8. Administration Center²
 - No Energy Star rating
 - Meets all EPA label criteria as office space

¹ Energy Star labeling could be achieved once Library space is added to the Energy Star database. Sub-metering of electricity, natural gas and diesel fuel would be costly.

² Judicial Center and Administration Center could achieve Energy Star labeling by adding sub meters to natural gas and diesel fuel.



- Fails EPA criteria test – shared natural gas meter
- Cost included in total building average.

- 9. Juvenile Services Center
 - Building areas classify as office, school and jail
 - EPA label rating unavailable for jails
 - Inmate area greater than 10% of floor space
 - Cost included in total building average.

- 10. Empire Transportation Facility
 - EPA label rating unavailable for maintenance garage.
 - Cost included in total building average.

- 11. Wescott Library
 - EPA rating unavailable for libraries
 - Building has both office and library spaces
 - Library area greater than 10% of floor space
 - Cost included in total building average.

- 12. Burnhaven Library
 - EPA rating unavailable for libraries
 - Library area greater than 10% of floor space
 - Cost included in total building average.
 - Energy Star benchmarking required for verification of ARRA funding for added exterior wall insulation.

- 13. Wentworth Library
 - EPA rating unavailable for libraries
 - Library area greater than 10% of floor space
 - Cost included in total building average.

Energy use for the following County buildings is entered into Energy Star Portfolio Manager for benchmarking purposes only.

- 14. Pleasant Hill Library
- 15. Inver Glen Library
- 16. Heritage Library
- 17. Farmington Library
- 18. Robert Trail Library
- 19. Historical Museum
- 20. Hastings Highway Shop
- 21. Farmington Highway Shop
- 22. Thompson Park Center